

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSHUA D. BRODSKY,

Plaintiff,

v.

VERNE ATWOOD et al.,

Defendants.

3:16-cv-00023-MMD-WGC

ORDER

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1). Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. The Court will retain Plaintiff’s civil rights complaint (ECF No. 1), but will not file it until the matter of the payment of the filing fee is resolved.

Plaintiff is an experienced litigator in this Court and knows how to correctly file an application to proceed *in forma pauperis* with this Court. Plaintiff will be granted one final opportunity to file a complete application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma pauperis*. If Plaintiff files an incomplete application to proceed *in forma pauperis*, the Court will dismiss the

1 case in its entirety, without prejudice, to file a new case when Plaintiff is able to acquire the
2 necessary documents to file a complete application to proceed *in forma pauperis*.

3 **II. CONCLUSION**

4 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL SEND
5 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as
6 the document entitled information and instructions for filing an *in forma pauperis* application.


7 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
8 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the
9 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or
10 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
11 administrative fee).

12 IT IS FURTHER ORDERED that, if Plaintiff files an incomplete application to proceed
13 *in forma pauperis*, the Court will dismiss the case, without prejudice, for Plaintiff to file a new
14 case when he is able to acquire the necessary documents to file a complete application to
15 proceed *in forma pauperis*.

16 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
17 dismissal of this action may result.

18 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF
19 No. 1), but shall not file it at this time.

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21 DATED: This 21st day of January, 2016.

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24 United States Magistrate Judge
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